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15 IN THE UNITED STATES DISTRICT COURT
16
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 STEVEN HAMPTON,

22 Defendant.

23 CASE NO. 2:21-CR-00104-TLN

24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 ORDER

27 DATE: May 12, 2022

28 TIME: 9:30 a.m.

COURT: Hon. Troy L. Nunley

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for a status of counsel hearing on May 12, 2022.

21 2. Since that order issued, the undersigned defense counsel has been newly appointed to
22 represent the defendant in this matter. *See* Dkt. No. 170 (order appointing Kelly Babineau to represent
23 the defendant as of 5/6/22).

24 3. By this stipulation, defendant now moves to convert the status of counsel hearing to a
25 status conference, to continue the status conference until **August 18, 2022, at 9:30 a.m.**, and to exclude
26 time between May 12, 2022, and August 18, 2022, under Local Codes T2 (complexity of the case) and
27 T4 (to allow defense counsel time to prepare). Time has previously been excluded in this case under
28 both Local Codes T2 and T4.

1 4. The parties agree and stipulate, and request that the Court find the following:

2 a) The United States initially provided discovery, including: pdf reports, voluminous
3 recorded phone conversations, GPS data, toll records, photographs, videos, and other discovery
4 to the defense. Because of the volume of discovery produced by the government and in
5 anticipation of additional discovery being provided by the government, previous defense counsel
6 sought the appointment of Coordinating Discovery Attorney (CDA) John C. Ellis. The Court
7 signed the order appointing the CDA and Mr. Ellis reports the discovery now amounts to
8 approximately thirty-four gigabytes of data, and consists of 4,313 pages of PDF documents,
9 more than eight hours of video footage, and wiretap data from two target telephone lines. The
10 wiretap data from two target telephones includes an additional forty-eight hours of audio
11 recordings, 4,636 document files, 4,855 Google Earth location data files, and line sheets. This
12 discovery was provided to most defense counsel on, or about, November 1, 2021. (However,
13 defendant Charles Carter was arraigned on February 23, 2022, and discovery was provided to his
14 counsel shortly thereafter.)

15 b) The defendant in this case requested the appointment of new counsel at a hearing
16 on April 28, 2022, and this Court allowed defendant's previous counsel to withdraw. The
17 undersigned counsel was appointed to represent the defendant in this case on May 6, 2022. Now
18 that new defense counsel has been appointed, she will be able to access the previously described
19 discovery through the Court appointed CDA.

20 c) The undersigned defense counsel further avers that she is currently in a homicide
21 trial in Nevada County, which may not conclude before the previously scheduled May 12, 2022
22 status of counsel hearing.

23 d) The defendant's co-defendants in this case are currently scheduled to appear for a
24 status conference on August 18, 2022, and—as to those defendants—time has been excluded
25 from the Speedy Trial Act calculations through that date. *See* Dkt. No. 159.

26 e) Counsel for defendant desires additional time consult with her client, to review
27 the current charges, to conduct investigation and research related to the charges, to discuss
28 potential resolutions with her client, to review the above-described discovery, and to otherwise

1 prepare for trial.

2 f) Counsel for defendant believes that failure to grant the above-requested
3 continuance would deny her the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 g) The government does not object to the continuance.

6 h) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of May 12, 2022 to August 18, 2022,
11 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
12 because it results from a continuance granted by the Court at defendant's request on the basis of
13 the Court's finding that the ends of justice served by taking such action outweigh the best interest
14 of the public and the defendant in a speedy trial.

15 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

18 IT IS SO STIPULATED.

19 Dated: May 6, 2022

PHILLIP A. TALBERT
United States Attorney

21 /s/ AARON D. PENNEKAMP
22 AARON D. PENNEKAMP
23 Assistant United States Attorney

24 Dated: May 6, 2022

25 /s/ KELLY BABINEAU
26 KELLY BABINEAU
27 Counsel for Defendant
28 Steven Hampton

ORDER

IT IS SO FOUND AND ORDERED this 6th day of May, 2022.

Troy L. Nunley

Troy L. Nunley
United States District Judge